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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,789	09/26/2003	Sterling Bruce Brown	RD28056-5	9461

25743 7590 09/28/2005
GENERAL ELECTRIC COMPANY
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EXAMINER

ROBERTSON, JEFFREY

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,789

Applicant(s)

BROWN ET AL.

Examiner

Jeffrey B. Robertson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-99 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-99 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-17, drawn to a triazine capping agent, classified in class 544, subclass 180+.
 - II. Claims 18 and 19, drawn to triazine capping agent, classified in class 544, subclass 180+.
 - III. Claims 20-32, drawn to triazine capping agent, classified in class 544, subclass 180+.
 - IV. Claim 33, drawn to triazine capping agent, classified in class 544, subclass 180+.
 - V. Claims 34-38, drawn to triazine capping agent, classified in class 544, subclass 180+.
 - VI. Claims 39-45, drawn to triazine capped polymer, classified in class 525, subclass various.
 - VII. Claims 46-56 and 76-80, drawn to a process of capping nucleophilic groups in a polymer with a triazine capping agent, classified in class 525, subclass various.
 - VIII. Claims 57 and 58, drawn to a process of capping nucleophilic groups in a polymer with a triazine capping agent, classified in class 525, subclass various.

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- IX. Claims 59-68 and 81-87, drawn to a process of capping nucleophilic groups in a polymer with a triazine capping agent, classified in class 525, subclass various.
- X. Claim 69, drawn to a process of capping nucleophilic groups in a polymer with a triazine capping agent, classified in class 525, subclass various.
- XI. Claims 70-75 and 88-94, drawn to a process of capping nucleophilic groups in a polymer with a triazine capping agent, classified in class 525, subclass various.
- XII. Claims 95-99, drawn to a process of preparing polycarbonate, classified in class 525, subclass 562.

Inventions I and II are independent and distinct because Invention I does not require L¹ chloro of Invention II and Invention II does not require the L¹ aryloxy group of Invention I.

Inventions I and III are independent and distinct because Invention I does not require L² group of Invention III and Invention II does not include the Z² group of Invention I.

Inventions III and IV are independent and distinct because Invention III does not require L¹ and L² chloros of Invention IV and Invention IV does not require the L¹ and L² aryloxy group of Invention III.

Inventions I and V are independent and distinct because Invention I does not require L² and L³ groups of Invention V and Invention V does not include the Z¹ and Z² groups of Invention I.

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Inventions I and VI are independent and distinct because Invention I does not require the polymer of Invention VI and Invention VI does not require the acryloxy group of Invention I.

Inventions I and XII are independent and distinct because Invention I does not require the polycarbonate of Invention XII and Invention XII does not require the Z^1 and Z^2 groups of Invention I.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and VII are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product can be used in a materially different process such as a process of crosslinking a thermosetting resin.
3. Inventions II and VIII are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product can be used in a materially different process such as a process of crosslinking a thermosetting resin.

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4. Inventions III and IX are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product can be used in a materially different process such as a process of crosslinking a thermosetting resin.

5. Inventions IV and X are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product can be used in a materially different process such as a process of crosslinking a thermosetting resin.

6. Inventions V and XI are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product can be used in a materially different process such as a process of crosslinking a thermosetting resin.

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7. Because these inventions are distinct for the reasons given above and the search required for Groups II, III, IV, and V is not required for Group I, restriction for examination purposes as indicated is proper.

Additionally, the following election of species is required.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for Formula I, if Invention I, II, VII, or VIII is elected, a single ultimate disclosed species for Formula II if Invention III, IV, IX, or X is elected, a single disclosed species for Formula III if Invention V or XI is elected, or a single ultimate disclosed species for Formula VII if Invention VI is elected for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Finally, if one of Inventions VI-XI is elected, the following election of species is required. This application contains claims directed to the following patentably distinct species of the claimed invention: species for the polymer that are polyether, polyarylene ether, polyphenylene ether, polyethersulfone, polyetherester, polyetherimide, polyamideimide, polyimide, polyetherketone, polyetheretherketone, polyetherketoneketone, polyarylene sulfide, polyphenylene sulfide, polycarbonate, polyester, polyalkylene terephthalate, polyarylate, liquid crystalline polyester, polyestercarbonate, polysulfone, polyethylene glycol, polypropylene glycol, polyethylene-propylene glycol, siloxane, copolymer containing hydroxyalkylacrylate, oxidized polyolefin and phenoxy resin.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 38-42 and 46-75 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim

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is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

8. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

9. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey B. Robertson whose telephone number is (571) 272-1092. The examiner can normally be reached on Mon-Fri 7:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey B. Robertson
Primary Examiner
Art Unit 1712

JBR